

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KEJOHNA KING,

Plaintiff,

-against,

MESSIAH NEAL et al.,

Defendants.

24-CV-2382 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated and judgment entered May 2, 2024, the Court dismissed the complaint without prejudice and without charging Plaintiff the \$350.00 filing fee. On May 15, 2024, the Court received Plaintiff's motion for an extension of time to appeal, which was dated May 8, 2024. (ECF 7.)

Under Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure, a notice of appeal in a civil case must be filed within 30 days of entry of judgment. Because Plaintiff's notice of appeal was filed within 30 days of entry of judgment, the notice of appeal is timely, and a motion for extension of time to appeal is unnecessary. Accordingly, Plaintiff's motion for extension of time to appeal is denied as moot.

Plaintiff also filed an application to proceed *in forma pauperis* on appeal (ECF 8). In the order of dismissal, the Court denied any request to proceed *in forma pauperis* on appeal. (ECF 4.) The Clerk of Court is therefore directed to terminate that pending request (ECF 8).

CONCLUSION

Plaintiff's motion for an extension of time to appeal (ECF 7) is denied as moot. The Clerk of Court is directed to terminate the pending request to proceed *in forma pauperis* on

appeal (ECF 8), because the Court denied any request to proceed *in forma pauperis* on appeal (ECF 4).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is again denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: September 6, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge